

CHAPTER 18.04

General Provisions

18.04.010 Title for citation.

The regulations set out in this Title shall be known and cited as "The Subdivision Regulations of Evans, Colorado." (Ord. 673-87, 1987)

18.04.020 Enactment – Charter authority.

The regulations set out in this Title have been prepared and enacted in accordance with Sections 12.7 and 12.8 of the Evans City Charter. (Ord. 673-87, 1987)

18.04.030 Purpose of provisions.

The purpose of the regulations set out in this Title include:

- A. To assist orderly, efficient and integrated development;
- B. To promote the health, safety and general welfare of the residents;
- C. To ensure conformance of land subdivision plans with the public improvement plans of the city, Weld County, the State and other public agencies;
- D. To ensure coordination of municipal public improvement plans and programs;
- E. To encourage well planned subdivisions by establishing adequate standards for design and improvements;
- F. To improve land survey monuments and records by establishing standards for surveys and plats;
- G. To safeguard the interests of the public, the property owner and the subdivider;
- H. To secure equitable handling of all subdivision plans by providing uniform procedures and standards;
- I. To prevent population congestion;
- J. To protect natural vegetation and scenic areas;
- K. To prevent and control erosion, sedimentation and other pollution of surface and subsurface water;
- L. To prevent flood damage to persons and properties, and minimize expenditures for flood relief and flood-control projects;
- M. To restrict building on flood lands, shorelands, areas covered by poor soils or in areas poorly suited for building or construction;

N. To prevent loss and injury from landslides, mudflows and other geologic hazards;

O. To implement the Comprehensive Plan of the City. (Ord. 673-87, 1987)

18.04.040 Interpretation of regulations.

On the interpretation and application of the provisions of this title, the following shall govern:

A. The provisions contained in this Title shall be regarded as minimum requirements for the protection of the public health, safety and welfare.

B. Whenever a provision of this Title and any provision in any other law of the City cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirements shall govern. (Ord. 673-87, 1987)

18.04.050 General laws and criteria for subdivisions.

Land shall be subdivided in conformance with the Comprehensive Plan, the zoning ordinance and other ordinances and regulations in effect. In all cases, the Planning Commission and Council shall consider the criteria in Chapter 18.32 of this Title. These criteria shall also apply to subdividers utilizing the planned unit development portion of the City zoning ordinances. (Ord. 673-87, 1987)

18.04.060 Territory of jurisdiction.

The territory within which the regulations of this Title are applicable shall include all land located within the legal boundaries of the City of Evans, hereinafter referred to as "the City." These regulations shall also apply to land in the process of annexation. (Ord. 673-87, 1987)

18.04.070 Compliance with provisions required.

Whoever divides or participates in the division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other division of land for the purposes, whether immediate or future, of sale or of building development, whether residential, industrial, commercial, business or other use, shall make the transaction subject to the provisions of this Title, and a plat therefore must be submitted to and accepted by the City according to the terms as set forth in this Title. The terms hereof shall also include and refer to any division of land previously subdivided or platted. (Ord. 673-87, 1987)

18.04.080 Acceptance of dedicated lands.

Approval of a subdivision by the Planning Commission and the Council shall not constitute an acceptance by the City of the roads, streets, alleys or other public lands for maintenance, as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the City shall be accepted by the Council only by specific action of the Council. (Ord. 673-87, 1987)

18.04.090 Approval of plats prior to filing and recordation.

It is unlawful to file or record a plat of a subdivision of land with the City Clerk and the Weld County Clerk and Recorder until the plat is approved by the City Planning Commission, hereinafter referred to as the "Planning Commission," and the City Council of the City of Evans, hereinafter referred to as the "Council," and signed by duly authorized representatives of such bodies. (Ord. 673-87, 1987)

18.04.100 Use of unapproved plat prohibited when.

It is unlawful to use any plat of a subdivision of land for purposes of sale or building development until such plat is approved by the Planning Commission and Council, and signed by duly authorized representatives of such bodies. (Ord. 673-87, 1987)

18.04.110 Amendments to subdivision regulations.

The regulations set out in this Title may be amended by the City Council from time to time in accordance with the provisions of law. (Ord. 673-87, 1987)